

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

| | | |
|--------------------------------------|---|-------------------------------|
| PEOPLESSOUTH BANK, LARRY |) | |
| PITCHFORD, and JERRY GULLEDGE |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | CIVIL ACTION NUMBER: 2:06-CV- |
| PROGRESSIVE CASUALTY INSURANCE |) | 00578-MEF |
| COMPANY; ROYAL INDEMNITY |) | |
| COMPANY, as successor in interest to |) | |
| LEVESON; and HARRIS PEST CONTROL |) | |
| AND TERMITE CONTROL, INC |) | |
| |) | |
| Defendants. |) | |

PROGRESSIVE'S REQUEST FOR ORAL ARGUMENT

Progressive Casualty Insurance Company ("Progressive") respectfully requests the Court permit oral argument on the plaintiffs' Motion to Remand and Progressive's Response to Plaintiffs' Motion to Remand. Progressive respectfully requests oral argument based on the complexity of the procedural history of this matter and its relation to the substantive arguments raised by the plaintiffs' motion and Progressive's response. .

Respectfully submitted,

s/Hallman B. Eady

Hallman B. Eady (ASB-1093-L75E)
Bradley Arant Rose & White LLP
One Federal Place
1819 Fifth Avenue North
Birmingham, AL 35203-2104
Telephone: (205) 521-8000
Facsimile: (205) 521-8800
Email: heady@bradleyarant.com

Charles A. Stewart III (ASB-4955-A56C)
Bradley Arant Rose & White LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
Telephone: (334) 956-7700
Facsimile: (334) 956-7701
Email: cstewart@bradleyarant.com

Thomas R. Elliott, Jr. (ASB-1499-L74T)
LONDON, YANCEY, & ELLIOTT, L.L.C.
2001 Park Place, Suite 430
Birmingham, Alabama 35203
Telephone: (205) 380-3600
Facsimile: (205) 251-8929
Email: telliott@lyelaw.com

Scott B. Smith (ASB- 3615-T82S)
Bradley Arant Rose & White LLP
200 Clinton Avenue West, Suite 900
Huntsville, AL 35801-4900
Telephone: (256) 517-5100
Facsimile: (256) 517-5200
Email: ssmith@bradleyarant.com

Attorneys for Progressive Casualty Insurance Co.

CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Peter A. McInish
Lee & McInish
Post Office Box 1665
Dothan, AL 36302

John C.S. Pierce
Butler Pappas Weihmuller Katz Craig LLP
1110 Montlimar Drive
Suite 1050
Mobile, Alabama 36602

Gerald P. Gillespy
Rickey J. McKinney
Jason A. Walters
Burr & Forman, LLP
3100 Wachovia Tower
420 North 20th Street
Birmingham, AL 35203

James Davis Farmer
Farmer, Farmer & Malone, PA
112 West Troy Street
P.O. Drawer 668
Dothan, AL 36303

and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

Harris Leveson
151 Warren Road
Midway, Alabama 36053

Harris Pest and Termite Control
c/o Mr. Harris Leveson
151 Warren Road
Midway, AL 36053

Leah O. Taylor
Taylor & Taylor
2130 Highland Avenue
Birmingham, AL 35205

Respectfully submitted,

s/ Hallman B. Eady

Hallman B. Eady

Bradley Arant Rose & White LLP

One Federal Place

1819 Fifth Avenue North

Birmingham, AL 35203-2104

Telephone: (205) 521-8000

Facsimile: (205) 521-8800

E-mail: heady@bradleyarant.com